

**RULES
OF
THE TENNESSEE DEPARTMENT OF AGRICULTURE
DIVISION OF PLANT INDUSTRIES**

**CHAPTER 0080-6-14
PEST CONTROL OPERATORS**

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0080-6-14-.01 QUALIFICATIONS OF APPLICANTS.

- (1) Applicants may qualify to take the written examination by showing one or more of the following qualifications:
 - (a) A Bachelor's degree or its equivalent with major or minor in disciplines reasonably related to the category of pest control in which the applicant is seeking a license; or
 - (b) At least two (2) years of work experience in the category of license for which the application is made, except the category of Agricultural - Ground Equipment and Horticulture - Lawn and Turf. Only experience obtained in compliance with the "Tennessee Application of Pesticides Act" or a substantially equivalent law of another jurisdiction shall be considered by the Board.
 - (c) Sufficient experience, as determined by the Board. in the category of Agricultural - Ground Equipment and Horticulture - Lawn and Turf.
- (2) Any person applying to take the examination based on experience and not by education must have been listed with the department as a pest control technician or salesperson for a period of at least two (2) years and provide documentary evidence of employment. Anyone who is not listed with the department, but has been active in pest control for two (2) years must submit documentary evidence of employment with the application.

Authority: TC.A. §§62-21-105 and 62-21-118. **Administrative History:** Original rule certified June 5, 1974. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed November 16, 1978; effective January 1, 1979. Repealed and rule filed September 22, 1982; effective October 22, 1982. Amendment filed August 8, 1984; effective September 7, 1984. Amendment filed November 13, 1986; effective December 28, 1986. Amendment filed October 30, 1987; effective December 14, 1987. Amendment filed January 5, 1989; effective February 19, 1989. Amendment filed October 11, 1991; effective November 26, 1991.

0080-6-14-.02 CERTIFICATION OF QUALIFICATIONS.

- (1) At the time of application or at such other time as the Board may require, the applicant shall present:
 - (a) A notarized affidavit or notarized certification by persons or firms in whose employ the applicant may have received any qualifying experience, or
 - (b) A copy of a diploma or certificate properly evidencing bestowal of any qualifying degree or professional standing.
- (2) If the applicant is unable to present any of the items mentioned in paragraph (1), the applicant shall state in his application the reasons for his inability to present such items and shall provide such other and additional information as may be requested by the Board to permit proper verification of the applicant's qualifications.
- (3) The Board shall verify any qualifying experience, education, or professional standing which the applicant claims in his application or supporting documents.

Authority: T.C.A. §§62-21-105 and 62-21-118. **Administrative History:** Original rule certified June 5, 1974. Amendment filed June 25, 1975; effective July 25, 1975. Repeal filed September 22, 1982; effective October 22, 1982. New rule filed October 26, 1988; effective December 10, 1988.

0080-6-14-.03 EXAMINATION OF APPLICANTS.

- (1) Applicants to take the licensing examination shall be submitted by the tenth of the month preceding the month scheduled for examinations.
- (2) The licensing examinations will be given during the first month of each quarter at Ellington Agricultural Center in Nashville, Tennessee.
- (3) All qualified applicants who have submitted an application shall be notified of the place and time of the examination. After the Board has evaluated the examinations, the results shall be promptly reported to the individual applicants.
- (4) Examinations shall be written and shall be given in two (2) parts as follows:
 - (a) The first part will cover core areas such as, but not limited to, general knowledge of pest control work, materials, safety methods, and label interpretation.
 - (b) The second part of the examination will cover basic and general knowledge relating to the specific category or categories in which the applicant is seeking a license.
- (5) A percentage score of seventy (70) shall be considered a passing grade on each part of the examination.
- (6) The first part of the examination, CORE, must be passed to be eligible to take the second part.
- (7) A maximum of two (2) hours shall be allowed for the completion of the first part of the examination and three (3) hours shall be allowed for the second part.
- (8) There is no limitation on the number of categories for which an applicant may be examined during any one examination period, however, the above stated time limit shall apply.

(Rule 0080-6-14-.03, continued)

- (9) The first part of the examination, CORE, if passed, need not be repeated upon re-examination even though applicant may have failed the second part.

Authority: T.C.A. §§62-21-105, 62-21-112 and 62-21-118. **Administrative History:** Original rule certified June 5, 1974. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed February 14, 1977; effective March 16, 1977. Amendment filed November 16, 1978; effective January 1, 1979. Repeal and new rule filed September 22, 1982; effective October 22, 1982. Amendment filed January 5, 1989; effective February 19, 1989.

0080-6-14-.04 LICENSE CATEGORIES.

- (1) **WOOD DESTROYING ORGANISMS** - Control of termites, various wood borers, carpenter bees, carpenter ants, and decay without regard to the type or use of structure involved. Control of silverfish, meal worms, roaches, etc., which may damage wood only infrequently, is not included in this category.
- (2) **GENERAL PEST AND RODENT CONTROL** - Control of vertebrate and invertebrate pests in and around structures where they may be found, and which invade or are normally known to invade a structure, and which are not specifically covered by other categories of licenses described herein.
- (3) **WEED CONTROL-RIGHT-OF-WAY AND INDUSTRIAL** - Control of plants, whether woody or herbaceous, by the application of chemicals generally classed as herbicides to industrial sites and rights-of-way such as, but not limited to, highways, transmission lines, drainage ditches, etc. These chemicals may be desiccants, defoliants, growth regulators, soil sterilizing agents and the like.
- (4) **WEED CONTROL-AQUATIC** - Control of aquatic plants by the application of pesticides.
- (5) **FUMIGATION - Soil**. Control of agricultural pests found in the soil by application of a material that is a gas. This category includes the use of pesticides that when handled or applied are in a solid or liquid form and the effect is produced by the gas formed after the toxicant has been placed.
- (6) **FUMIGATION** - Control of pests by application of a material that is a gas. This category includes the use of pesticides that when handled or applied are in a solid or liquid form and the effect is produced by the gas formed after the toxicant has been placed.
- (7) **BIRD CONTROL** - Control of pest birds, by the use of pesticides.
- (8) **AGRICULTURAL** - Ground Equipment-Control of agricultural pests by means other than fumigation.
- (9) **HORTICULTURAL - Lawn and Turf** - Control of pests and diseases of shrubs, trees, lawn and turf, and the like, in residential, institutional, and non-agricultural locations and which do not include or normally invade residential, institutional, and non-agricultural locations, such as, but not limited to, bagworms, white grubs, moles, voles, scale insects, diseases of turf, ornamentals, trees and such.
- (10) **PEST CONTROL CONSULTANT** - Graduate of an accredited college or university with a Bachelor's degree in the field of pest control in which consultation is offered. A license in this category does not qualify the holder to perform pest control operations.
- (11) **HORTICULTURAL-INTERIOR** - Control of pests and diseases of plants grown indoors.
- (12) **SPECIAL** - Control of pests in special situations by methods not included in other categories or by individuals not licensed in other categories. These licenses may or may not require an exam in the

(Rule 0080-6-14-.04, continued)

discretion of the board and are limited to specific pesticide uses and situations as determined by the board.

- (13) MICROBIAL PEST CONTROL - Control of microorganisms (bacteria, fungi, algae, and viruses) in cooling towers and swimming pools.
- (14) Public Health Pest Control - Control and management of all stages of mosquitoes and other pests having medical and public health importance.

Authority: T.C.A. §§62-21-105 and 62-21-118. **Administrative History:** Original rule certified June 5, 1974. Repeal and new rule filed September 22, 1982; effective October 22, 1982. Amendment filed January 5, 1989; effective February 19, 1989. Amendment filed October 11, 1991; effective November 26, 1991. Amendment filed August 22, 1995; effective December 30, 1995. Amendment filed October 28, 2002; effective February 28, 2003.

0080-6-14.05 REPEALED.

Authority: T.C.A. §§62-21-118 and 62-21-119. **Administrative History:** Original rule certified June 5, 1974. Amendment filed November 16, 1978; effective January 1, 1979. Repeal and new rule filed September 22, 1982; effective October 22, 1982. Repeal filed January 5, 1989; effective February 19, 1989.

0080-6-14.06 LICENSEES - REQUIREMENT OF ACTIVE PRACTICE.

- (1) If an operator has not engaged in activities for which he is licensed for a period of one (1) year or longer his license shall be renewable only after re-examination. It shall be the responsibility of the holder of the license to show that he has engaged in activities in the categories for which he is licensed, when required to do so.

Authority: T.C.A. §§62-21-105, 62-21-118, and 62-21-123. **Administrative History:** Original rule certified June 5, 1974. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed November 16, 1978; effective January 1, 1979. Repeal and new rule filed September 22, 1982; effective October 22, 1982.

0080-6-14.07 REQUIREMENTS FOR LICENSEES IN FUMIGATION.

- (1) When a gas poisonous to human beings is used in fumigation a certified applicator licensed in the category of fumigation shall be present and actively in charge of work and shall be responsible for seeing that the following requirements are adhered to:
 - (a) Maintenance at the place where the fumigation is being done, of a gas mask that is protective against the gas being used.
 - (b) Posting at the building structure, or other fumigation site, of conspicuous signs at all points of entry, declaring that the property is being fumigated and that no one should enter.
 - (c) At any building or structure normally inviting entrance by the public, a guard shall be maintained and shall have access to a protective gas mask. All doors shall be locked and posted and patrolled by the guard.
 - (d) The certified licensed applicator shall be responsible for clearing the structure of fumigants by following all label directions prior to re-entry for human occupancy.

Authority: T.C.A. §62-21-118. **Administrative History:** Original rule certified June 5, 1974. Amendment filed November 16, 1978; effective January 1, 1979. Repeal and new rule filed September 22, 1982; effective October 22, 1982. Amendment filed January 5, 1989; effective February 19, 1989.

(Rule 0080-6-14-.08, continued)

0080-6-14-.08 REQUIREMENTS FOR LICENSEES IN WOOD DESTROYING ORGANISMS.

- (1) Persons operating under licenses for wood destroying organisms shall conform to the following regulations or shall use other department approved methods.
 - (a) A written contract (warranty optional) with all blanks completed shall be executed in duplicate on every control job for wood destroying organisms, other than termites. A written contract with a warranty shall be issued on every job for control of termites. In each case one copy is to be left with the property owner or his agent, and a copy retained by the operator. These contracts shall be numbered to assure that both parties hold identical documents. All such contracts and warranties, shall be transferable so as to remain with the treated property for the remainder of the current year's contract term.
 - (b) When a contract with a warranty is issued on any structure for control of termites that does not meet state specifications, those areas or portions thereof not meeting state specifications must be treated and brought up to state specifications.
 - (c) A graph shall be drawn and attached to each contract as described in (1)(a) and said graph shall show the condition of the property as it relates to termite infestation and damage at the time of the initial contract.
- (2) Unless authorized by paragraph (6) of this rule or unless prohibited by the label, the operator shall give the following minimum services on each job for control of termites:
 - (a) All applications of pesticides for the purpose of controlling wood destroying organisms shall be done in accordance with label directions. 40 C.F.R. (2)(ee) shall not apply when mixing or applying termiticides.
 - (b) All pretreatments shall be completed according to label directions within one (1) year of the date the initial treatment or to coincide with the completion of the backfill.
- (3) Each property under contract by a termite control operator shall be examined by the operator at least once per year if the owner or agent makes the property available. A report of the re-examination and all subsequent inspections showing the condition of the property with respect to the absence or presence of termites and/or other wood destroying organisms shall be filed with the property owner and a copy kept in the operator's file, subject to inspection by the Department.
- (4) At such time as he may deem desirable, the Commissioner or his authorized representative, shall examine records and properties treated for the purpose of determining the efficiency of the treatment given. Whenever unsatisfactory or substandard treatments are found, the operator and/or charter holder will be notified and will be given a reasonable length of time in which to correct such conditions. If the operator shall neglect or refuse to make such corrections, his license and/or charter or both may be suspended as provided for by law, unless he can show to the satisfaction of the Department of Agriculture why such action should not be taken. While his license is suspended for this cause, the operator or charter holder shall have the privilege of retreating all properties on which he has current contracts, but shall not solicit any new business. He shall notify the Department of Agriculture of the dates of any such reexaminations and retreatments. When all properties previously reported to be in an unsatisfactory condition have been re-examined and retreated, the Department of Agriculture shall then make the reinspections at its earliest convenience. If the Department of Agriculture, upon reinspection shall find all of the properties in satisfactory condition, then the suspension may be removed. Otherwise, the license and/or charter or both may be permanently

(Rule 0080-6-14-.08, continued)

revoked. A license or charter may be suspended or revoked for gross neglect of contracts, falsifying the presence of an insect pest, or general failure to give satisfactory service.

- (5) All contracts for termite control shall carry a one year warranty for retreatments of termites only. The issuance of a damage guarantee is optional.
- (6) Less than complete treatments may be given when:
 - (a) Physical reasons or conditions prevent a full treatment, such as, well beneath building, heat/air duct pipe embedded in slab, plenum air space, crawl space too low or;
 - (b) When the label prohibits and;
 - (c) The owner of the treated property is fully informed.
- (7) No warranty or guarantee need be given for less than complete treatment of non-commercial buildings. However, the contract covering such work shall have the stipulation that no guarantee is given. In addition, the words "No guarantee" shall be stamped or printed in letters one-half inch high on both sides of the invoice and guarantee/agreement form referring to this treatment.
- (8) Wood Destroying Beetles
 - (a) When treatment will be permitted - When it is determined that an active infestation exists, treatment will be permitted for the control or prevention of reinfestation of the families of beetles which are known to reinfest seasoned wood, i.e., Anobiidae, Lyctidae, Bostrichidae, Cerambycidae, (old house borer and flat oak borer only) and Curculionidae. Preventive treatment in the absence of an infestation is prohibited. Treatment for the control or prevention of other beetles, such as bark beetles, that do not cause structural damage to seasoned wood is prohibited.
 - (b) Determining Active Infestations:
 - 1. Anobiidae (Anobiid Powder Post) Beetles:
 - (i) The presence of fresh frass will be acceptable as evidence of an active infestation of the Anobiidae.
 - (ii) The presence of holes alone or holes and dull colored frass will not be acceptable evidence of an active infestation of the Anobiidae except in such cases when live larvae and pupae are found in wood members.
 - (iii) Anobiidae Beetles usually infest products older than 10 years and most infestations are confined to softwoods, whereas the Lyctidae only actively infest recently processed hardwoods.
 - 2. Powder Post Beetles (Lyctidae):
 - (i) If hardwoods are less than 10 years old, they are much more likely to be infested with Lyctidae Beetles, but fresh frass should still be present to warrant treatment.
 - (ii) If wood is over 10 years old, only fresh frass and/or live larvae or pupae in wood will be acceptable evidence of activity.

(Rule 0080-6-14-.08, continued)

3. Old House Borer (*Hylotrupes bajulus* L.):
 - (i) The presence of adult beetles and oval exit holes with fresh sawdust-like frass in softwoods will be evidence of an active infestation.
 - (ii) The presence of live larvae or pupae in softwoods will be evidence of an active old house borer infestation, if the frass is sawdust-like.
- (c) Treatment Procedures:
 1. When wood destroying beetles are present at or below the subfloor level, then control measures should be applied from underneath the structure using any approved pesticide labeled for that use.
 2. If there is evidence to indicate or reasonable cause to suspect that a substantial active infestation of wood destroying beetles exists above the subfloor level, then fumigation with an approved fumigant is permitted, provided the property owner has been informed of other alternative treatments such as removal and replacement of infested wood members or treatment of the substructure only if it is actively infested.
- (9) Carpenter Ants and Bees:
 - (a) Carpenter Ants (*Camponotus*, Sp.) damage can be recognized by the presence of hollow, irregular, clean chambers cut across the grain, and by the presence of fine to coarse wood fibers, which are removed from the chamber by the ant as the nest is constructed. Treatment of carpenter ants may be localized treatments by an approved pesticide. The nest should be found and treated if possible. Carpenter ants are generally present due to excess moisture somewhere in the wooden structures. To help in controlling the carpenter ant infestation, the moisture problem should also be corrected.
 - (b) Carpenter Bee (*Xyocopa* spp.). These bees often burrow into the exposed, dry wood of buildings, posts, wooden fences, etc. Since the bees often colonize the same piece of wood, the damage to timber can be quite extensive. Control can be had by applying any approved chemical into the entrance holes. Holes should not be filled until fall as the bees entering the holes will come in contact with the dust.
- (10) (a) All infestations of *Coptotermes Formosanus* Shiaki or any other members of the genus *Coptotermes*, known as the Formosan termite, shall be reported to the Tennessee Department of Agriculture, Plant Industries, or to any employee or agent thereof.
- (b) All known infestations of *Coptotermes* termites are to be treated. This treatment is to be carried out utilizing accepted industry methods, with appropriately labeled pesticides.

Authority: T.C.A. §§62-21-105 and 62-21-118. **Administrative History:** Original rule certified June 5, 1974. Amendment filed November 16, 1978; effective January 1, 1979. Repeal and new rule filed September 22, 1982; effective October 22, 1982. Amendment filed August 8, 1984; effective September 7, 1984. Amendment filed March 15, 1985; effective June 14, 1985. Amendment filed January 5, 1989; effective February 19, 1989. Amendment filed October 11, 1991; effective November 26, 1991.

0080-6-14-.09 REPEALED.

Authority: T.C.A. §§62-21-105 and 62-21-118. **Administrative History:** Original rule certified June 5, 1974. Amendment filed June 25, 1975; effective July 25, 1975. Amendment filed February 14, 1977; effective March

(Rule 0080-6-14-.10, continued)

16, 1977. Repeal and new rule filed September 22, 1982; effective October 22, 1982. Repeal filed October 11, 1991; effective November 26, 1991.

0080-6-14-.10 NOTIFICATION TO BEEKEEPERS.

- (1) Notification shall be given as far in advance as possible to all beekeepers in the area where agricultural ground application of pesticides is to be done. Notification to the Department of Agriculture as far in advance as possible of the time the pesticide application shall be sufficient notice to comply with this regulation. The materials having the least toxic qualities to honeybees shall be used whenever possible.

Authority: T.C.A. §62-21-118. **Administrative History:** Original rule certified June 5, 1974. Repeal and new rule filed September 22, 1982; effective October 22, 1982.

0080-6-14-.11 CERTIFICATION OF PEST CONTROL TECHNICIANS.

- (1) Any Pest Control Technician applying pesticides under the supervision of a licensed pest control operator, must be certified in accordance with this rule.
- (2) In order to obtain certification, the technician must successfully complete the CORE examination and an examination in the category in which he will be working.
- (3) The technician will be issued a certification card and it will be his responsibility to be recertified as required.
- (4) A new technician has ninety (90) days from the date of his employment to become certified. Any application of pesticides during this period must be in the presence of a certified applicator, or under the close supervision of the licensed operator. If a technician is not certified during the ninety (90) day period he can only apply pesticide in the presence of a certified person.
- (5) It is a violation of this chapter for a licensed person to allow an uncertified technician to apply pesticides except in accordance with this rule.
- (6) This rule shall take effect on March 1, 1989.

Authority: T.C.A. §§62-21-105 and 62-21-118. **Administrative History:** Original rule certified June 5, 1974. Repeal filed September 22, 1982; effective October 22, 1982. New rule filed October 26, 1988; effective December 10, 1988.

0080-6-14-.12 RECORD KEEPING REQUIREMENTS FOR COMMERCIAL PEST CONTROL OPERATORS AND COMMERCIAL APPLICATORS.

- (1) All commercial applicators and pest control operators shall keep true and accurate records of both restricted and non-restricted pesticides, retain such record for a period of two (2) years, and make these available on demand to the Commissioner of Agriculture, or his designee.
- (2) These records must show:
 - (a) The pesticide used;
 - (b) The target pest;

(Rule 0080-6-14-.12, continued)

- (c) The crop, plant, house, business, or building the pesticide is applied on or to, and the location thereof;
- (d) The dosage rate;
- (e) The percentage of mixed use dilution;
- (f) The landowner, agent of other person employing such applicator;
- (g) The date of service, and
- (h) The amount of pesticide used.

Authority: T.C.A. §§62-21-105, 62-21-118, and 62-2120. **Administrative History:** Original rule certified June 5, 1974. Repeal filed November 16, 1978; effective January 1, 1979.

0080-6-14-.13 REPEALED.

Authority: T.C.A. §62-2120. **Administrative History:** Original rule certified June 8, 1974. Repeal filed November 16, 1978; effective January 1, 1979.

0080-6-14-.14 REQUIREMENTS FOR LICENSEES IN AQUATIC WEED CONTROL.

- (1) Any person or governmental entity applying herbicides in state waters for the control of aquatic weeds must be under the direct supervision of one licensed to do so by the provisions of this chapter.
- (2) All pesticides applied by licensees in Aquatic Pest Control shall be mixed and applied in a manner that is consistent with the labeling restrictions of the chemical being used.

Authority: T.C.A. §62-21-118. **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995.

0080-6-14-.15 DENIAL, SUSPENSION OR REVOCATION OF LICENSE, CERTIFICATION OR PERMIT-PENALTIES.

- (1) If the Commissioner has reason to believe the holder of a permit, license or certificate has violated any provision of this chapter, including its rules and regulations, or has used any aquatic pesticide in violation of the provisions of the "Tennessee Insecticide, Fungicide and Rodenticide Act", including its rules and regulations, the Commissioner shall conduct a hearing to determine if any license, certification or permit should be denied, revoked, suspended, or modified, and/or impose civil penalties of up to one thousand dollars (1,000) for each violation.

Authority: T.C.A. §62-21-118. **Administrative History:** Original rule filed January 23, 1995; effective May 31, 1995.